

ORDINANCE NO. 94- 13

A COUNTYWIDE ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE NATURAL AREAS ORDINANCE; PROVIDING FOR A SHORT TITLE AND APPLICABILITY; SETTING OUT PROHIBITED AND PERMITTED ACTIVITIES; PROVIDING FOR OPERATING HOURS AND VEHICULAR CONTROL; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain environmentally sensitive lands containing high-quality native ecosystems characteristic of southern Florida have become publicly-owned through acquisition or lease by Palm Beach County; and

WHEREAS, these natural areas are part of the heritage of Palm Beach County's citizens; provide opportunities for passive recreation, environmental education, and scientific research; serve as show places for residents and visitors; and enhance the overall quality and diversity of life in Palm Beach County; and

WHEREAS, these natural areas provide habitat for plant and animal species, including resident and migratory wildlife; and

WHEREAS, endangered, threatened, and rare plant and animal species, and species of special concern to the State of Florida are ecologically dependent upon these natural areas; and

WHEREAS, these natural areas also provide important and valuable support services such as groundwater retention and recharge, flood and erosion control, and enhancement of air and water quality; and

WHEREAS, Palm Beach County will manage these natural areas to preserve and maintain their natural functions and values; and

WHEREAS, alteration or misuse of these natural areas will cause an irreparable aesthetic, educational, scientific, and cultural loss to the citizens of and visitors to Palm Beach County, and will result in potential harm to, and degradation of, groundwater, surface waters, air quality, and native plant and animal populations; and

WHEREAS, the Board of County Commissioners desires to prevent the harm recited above and protect and maintain the native biological diversity of County-managed natural areas by promulgating appropriate regulations to govern public use of these natural areas.



1           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:  
3

4           **Section 1. SHORT TITLE; APPLICABILITY.**

5           1.01 This Ordinance shall be known as the "Palm Beach County  
6 Natural Areas Ordinance."

7           1.02 The recitations set forth in the "WHEREAS" paragraphs  
8 above are incorporated by reference herein as findings of fact upon  
9 which this Ordinance is based.

10          1.03 All provisions of this Ordinance shall be effective  
11 within the unincorporated and incorporated areas of Palm Beach  
12 County, Florida, and shall set restrictions, constraints, and  
13 requirements to protect and preserve County-managed natural areas.

14          1.04 This Ordinance shall be liberally construed to effect  
15 the purposes set forth herein.  
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17           **Section 2. AUTHORITY.**

18          This Ordinance is adopted under the authority of Chapter 125,  
19 Florida Statutes.  
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21           **Section 3. PURPOSE.**

22          The purpose of the Ordinance is to preserve and protect in  
23 perpetuity County-managed natural areas by regulating public uses  
24 of these lands.  
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26           **Section 4. DEFINITIONS.**

27          The following terms when used in this Ordinance shall have the  
28 meanings ascribed to them in this section:  
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30          *Department* means the Department of Environmental Resources  
31 Management.  
32

33          *Natural area* means all public lands containing high-quality  
34 native ecosystems that are under the control of or assigned to the  
35 Department for management, maintenance, and operation.  
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37          *Natural areas property* means all structures, facilities,  
38 plants, and animals contained within a natural area.  
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40          *Parking area* means a specially designed and publicly  
41 designated area set aside for the standing or temporary stationing  
42 of vehicles.  
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1           Permit means a document or certificate provided by the County  
2 Administrator or his designee granting permission to conduct or  
3 take part in a specific activity at a specific location.  
4

5           Vehicle means any wheeled conveyance for transportation of  
6 persons or materials whether:  
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8                 (1) Powered or drawn by motor such as an automobile, truck,  
9                         motorcycle, scooter, or minibike.  
10

11                 (2) Animal-drawn such as a carriage, wagon, or cart.  
12

13                 (3) Self-propelled such as a bicycle.  
14

15           Watercraft means any boat, kayak, canoe, raft, houseboat,  
16 barge, vessel, ship or any other floating device capable of  
17 transporting humans or objects over water.  
18

19           **Section 5. SCOPE.**

20           This Ordinance applies only to County-owned or County-  
21 controlled natural areas and natural areas property that is  
22 assigned to the Department of Environmental Resources Management  
23 for management, maintenance and operation. Department staff and  
24 other authorized persons working under staff supervision shall be  
25 exempt from the provisions of this Ordinance when performing  
26 activities related to management plans.  
27

28           **Section 6. BUILDINGS AND OTHER PROPERTY.**

29                 (a) No person shall willfully mark, deface, or damage in any  
30 way, or displace, remove or tamper with, any natural area building,  
31 fence, educational or informational structure, walkway, bridge,  
32 bench, railing, public utility, paving or paving material, or part  
33 or appurtenance thereof, natural area sign, notice or placard,  
34 monument, stake, post, or other boundary marker, or other structure  
35 or equipment, facility or natural area property or appurtenance  
36 that is located on a natural area.  
37

38                 (b) No person shall dig, move, or remove from any natural area  
39 any sand, soil, rocks, stones, trees, shrubs, or plants, fallen  
40 timber, or other wood or materials, or make any excavation by tool,  
41 equipment, blasting or other means.  
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1                   **Section 7. PLANT AND WILDLIFE PROTECTION AND PRESERVATION.**

2           (a) Within any natural area, no person shall cut, carve, or  
3 damage the bark, or break off limbs or branches or mutilate in any  
4 way, or pick the flowers or seeds, of any tree or plant, or shrub,  
5 nor shall any person dig in or disturb grassy areas, or transplant  
6 or remove any tree or plant or part thereof, or in any other way  
7 damage or impair the natural beauty or usefulness of any natural  
8 area, nor shall any person deposit any debris or material on or  
9 about any tree or plant.

10  
11           (b) Within any natural area, no person shall molest, harm,  
12 frighten, kill, trap, hunt, chase, shoot, throw objects at, harass,  
13 feed, or otherwise inhibit the natural movements and habits of any  
14 invertebrate, mammal, amphibian, reptile, fish or bird. No person  
15 shall remove or have in his or her possession the young of any wild  
16 animal, or the eggs or nests of any amphibian, reptile, fish, bird  
17 or invertebrate. The provisions of this section applying to fishes  
18 are not applicable in designated fishing areas.

19  
20           (c) In order to prevent disruption of natural ecosystems and  
21 the spread of disease, no person shall introduce, plant, or release  
22 any plant or animal into any natural area.

23  
24                   **Section 9. FIRES.**

25           No person shall build or attempt to build, light, or cause to  
26 be lighted any fire or fires within any natural area unless given  
27 permission under a written permit from the County Administrator or  
28 his designee. No person shall drop, throw, or otherwise deposit  
29 lighted matches, burning cigarettes or cigars, tobacco paper, or  
30 other flammable materials within any natural area or on any county  
31 highway, road or street abutting or contiguous thereto.

32  
33                   **Section 10. BOATING.**

34           (a) All provisions of Chapter 327, Florida Statutes, shall  
35 apply to County-managed natural areas waters.

36  
37           (b) No person shall launch or operate any watercraft upon any  
38 watercourse, lagoon, lake, canal, pond, marsh, wet prairie or  
39 slough within a natural area except at such places that are  
40 designated for such use by the Board of County Commissioners or the  
41 County Administrator or his designee.

42  
43           (c) No person shall operate, moor, or anchor any watercraft  
44 within the waters of any natural area in a manner that results in  
45 damage or harm to the vegetation, wildlife or shoreline.



1                   **Section 11. FISHING.**

2           Except where specifically designated, fishing, or the buying  
3 or selling of fish caught in any natural area waters, is prohibited  
4 in all natural areas.  
5

6                   **Section 12. PROHIBITED ACTIVITIES.**

7           The following are prohibited in County-managed natural areas:  
8

9           (a) Hunting, trapping, or the possession of any kind of  
10 trapping device. Licensed hunters and trappers authorized by the  
11 County Administrator or his designee to remove nuisance and exotic  
12 animals are exempt from this prohibition, as are licensed hunters  
13 authorized by the County Administrator or his designee to reduce  
14 excessive populations of animals causing environmental damage in a  
15 natural area.  
16

17           (b) Use of firearms or other weapons potentially inimical to  
18 wildlife and dangerous to human safety by persons other than  
19 authorized law enforcement personnel and persons authorized to  
20 remove nuisance and exotic animals. This prohibition includes  
21 shooting into a natural area from beyond the boundaries of the  
22 natural area.  
23

24           (c) The sale, purchase, consumption, or possession of  
25 alcoholic beverages as defined in Section 561.01(4), Florida  
26 Statutes.  
27

28           (d) Use, discharge or possession of fireworks, explosives, or  
29 substances that could be combined into an explosive mixture.  
30

31           (e) Domestic animals and pets.  
32

33           (f) Placement of beehives or other apicultural practices.  
34

35           (g) Cultivation of plants.  
36

37           (h) Vehicle repair.  
38

39           (i) Use of airboats.  
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41           (j) Loud, unnecessary noise that disturbs wildlife and  
42 produces physical discomfort or annoyance to other people.  
43

44           (k) Possession and release of inflated balloons.  
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1           **Section 13. ACTIVITIES REQUIRING A SPECIAL PERMIT.**

2           The following activities may be allowed only if a written  
3 permit is obtained from the County Administrator or his authorized  
4 designee. Written terms and conditions shall accompany each permit  
5 and a fee will be charged as set by resolution of the Board of  
6 County Commissioners. The decision on whether or not to issue a  
7 permit will be based on the potential for damage to the natural  
8 resources of the site, the carrying capacity for that particular  
9 use, and any conflicts with a previously-issued permit for the same  
10 use. The activities requiring a special permit are:

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12           (a) Camping.

13  
14           (b) Erection of temporary or permanent structures.

15  
16           (c) Horseback riding.

17  
18           (d) Public demonstrations and gatherings.

19  
20           (f) Collection of plant and animal specimens and use of  
21 watercraft in wetlands for scientific research.

22  
23           (g) After-hours and night-time use of natural areas.

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25           **Section 14. MERCHANDISING, ADVERTISING AND SIGNS.**

26           (a) No person shall expose or offer for sale, rent or trade,  
27 any article or thing, or station or place any stand, cart, or  
28 vehicle, for the transportation, sale or display of any article,  
29 merchandise, or other item within the limits of any natural area.

30  
31           (b) No person shall use the natural area roadways or paths, or  
32 enter any natural area, for the purpose of announcing, displaying,  
33 advertising or calling attention to any person, political party,  
34 religious institution, or meetings or assemblies thereof, or for  
35 the purpose of demonstrating, advertising or calling attention to  
36 any article or service for sale or for hire, nor shall any signs,  
37 slogans, loudspeakers or advertising display be used for such  
38 purposes unless a written permit allows such activity.

39  
40           (c) No person shall display, distribute, post, paste, glue,  
41 tack, or otherwise fix any handbill, pamphlet, circular, sign,  
42 placard or any other printed matter containing advertising within  
43 any natural area or upon any natural area tree, fence or other  
44 structure.



1           **Section 15. POLLUTION OF WATERS.**

2           No person shall throw, discharge, or otherwise place or cause  
3           to be placed in the waters of any pond, lake, canal, slough, marsh,  
4           wet prairie, lagoon, or any other body of water or wetland in any  
5           natural area, any substance, matter, object or item which will or  
6           may result in pollution of said waters.  
7

8           **Section 16. REFUSE AND TRASH.**

9           No person shall take into, dump or deposit on land of, or  
10          leave in, any natural area or county road abutting such natural  
11          area, bottles, broken glass, ashes, paper, boxes, cans, dirt,  
12          construction or agricultural debris, rubbish, waste, garbage,  
13          refuse, or any other solid or liquid discard. Such discard shall  
14          be placed in the proper receptacles where provided on a natural  
15          area. Where receptacles are not provided, all such discard shall  
16          be carried away from the natural area and properly disposed of by  
17          the person responsible for its presence.  
18

19          **Section 17. PUBLIC UTILITIES.**

20          No entity shall be allowed to place any new public service  
21          utility into, upon, or across natural area lands except by prior  
22          written permit from the County Administrator or his designee.  
23

24          **Section 18. CLOSING OF NATURAL AREAS.**

25          (a) Each natural area managed by the County shall be open to  
26          the public at hours and days that are determined to be appropriate  
27          and adopted as part of the management plan for that natural area.  
28          These hours shall be posted at each natural area.  
29

30          (b) The County Administrator or his designee may declare any  
31          section of a natural area closed to the public, either temporarily  
32          or at regular stated intervals, in order to protect natural  
33          resources or for public safety reasons. No person shall enter  
34          upon any part of any natural area which is withheld from general  
35          public usage in the interest of natural resource protection, public  
36          safety, health and/or welfare.  
37

38          (c) No person shall remain in any natural area during the  
39          hours that the natural area is closed, unless he or she has a  
40          permit.  
41



1           **Section 19. VEHICLES.**

2           (a) All state vehicle laws and County traffic regulations  
3 shall be applicable in all natural areas. Municipal traffic  
4 ordinances shall be applicable in those natural areas located  
5 within municipalities .  
6

7           (b) No person shall drive, operate, or propel any vehicle  
8 outside the boundaries of designated paved or improved natural area  
9 access roads or driveways unless specifically authorized by the  
10 County Administrator or his designee.  
11

12           (c) No person shall park any vehicle on a natural area at any  
13 place other than a designated parking area without prior  
14 authorization from the County Administrator or his designee. No  
15 person shall park any vehicle in a manner that blocks or impedes  
16 access to a parking area or access road. No vehicle shall be left  
17 in a parking area overnight without prior authorization by the  
18 County Administrator or his designee.  
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20           **Section 20. ENFORCEMENT.**

21           (a) It shall be the duty and responsibility of law enforcement  
22 officials to, within their jurisdiction, enforce all state laws,  
23 municipal ordinances, County ordinances, and County traffic  
24 regulations within and adjacent to the limits of all natural areas  
25 maintained and operated by the Department.  
26

27           (b) It shall be unlawful for any person to do any act  
28 forbidden, or fail to perform any act required, by this Ordinance  
29 or for any person to fail to comply with any lawful and reasonable  
30 order given by law enforcement officers or authorized Department  
31 officials. It shall be the duty and responsibility of law  
32 enforcement officers and authorized Department officials to enforce  
33 all natural areas rules.  
34

35           **Section 21. PENALTIES.**

36           The violation of any provision of this Ordinance shall be  
37 punishable by a fine not to exceed five hundred dollars (\$500.00),  
38 or by imprisonment in the County jail not to exceed sixty (60)  
39 days, or by both such fine and imprisonment, or by such other  
40 penalty as may hereafter be provided in Section 125.69, Florida  
41 Statutes.  
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**Section 22. REPEAL OF LAWS IN CONFLICT.**

All local laws and ordinances applying to the unincorporated areas of Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 23. MUNICIPAL ORDINANCES AND LAND DEVELOPMENT REGULATIONS.**

This Ordinance does not supersede any municipal ordinance or land development regulation.

**Section 24. SEVERABILITY.**

If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Section 25. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

Section 26. EFFECTIVE DATE.

This Ordinance shall become law upon receipt of acknowledgement from the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm  
Beach County, Florida, on the 21st day of June, 1994.

ATTEST:  
Dorothy H. Wilken, Clerk  
Board of County Commissioners

ATTEST:  
Dorothy H. Wilken, Clerk

PALM BEACH COUNTY, FLORIDA BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: Barbara A. Miller Deputy Clerk Mary McCarty Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

Assistant County Attorney

Acknowledgement by the Department of State of the State of  
Florida, on this, the 24th day of June, 1994.



1           EFFECTIVE DATE: Acknowledgement from the Department of State  
2 received on the 27th day of June, 1994, at 1:07 P.M., and  
3 filed in the Office of the Clerk of the Board of County  
4 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on June 21, 1994

DATED at West Palm Beach, FL on 6/29/94  
DOROTHY H. WILKEN, Clerk

By: [Signature] D.C.

